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15  
16 UNITED STATES DISTRICT COURT  
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18 NORTHERN DISTRICT OF CALIFORNIA  
19  
20 OAKLAND DIVISION  
21

22 REARDEN LLC and REARDEN MOVA  
23 LLC,

24 Plaintiffs,

25 vs.

26 WALT DISNEY PICTURES, a California  
27 Corporation,

28 Defendants.

Case No. 4:17-cv-04006-JST-SK

**DECLARATION OF KELLY M. KLAUS  
IN SUPPORT OF DEFENDANT'S  
MOTIONS *IN LIMINE* NOS. 1–7**

Date: October 27, 2023  
Time: 2:00 p.m.  
Judge: Hon. Jon S. Tigar  
Ctm.: 6 (2nd Floor)

[Filed concurrently: Defendant's Motions *In Limine* Nos. 1–7 and (Proposed Order)]

1 I, Kelly M. Klaus, hereby declare:

2 1. I am admitted to practice before all of the courts of the State of California and this  
3 Court. I am a partner in the law firm of Munger, Tolles & Olson LLP, counsel for Defendant in  
4 the above-captioned matter. I submit this declaration in support of Defendant's Motions *In Limine*  
5 No. 1–7. The contents of this declaration are based on my personal knowledge. If called as a  
6 witness, I could and would testify competently to the matters set forth in this declaration.

7 2. On March 28, 2023, Plaintiffs served second amended initial disclosures on  
8 Defendant pursuant to Rule 26(a)(1), adding Mr. Jon Chow to the list of percipient witnesses.

9 3. On September 1, 2023, Plaintiffs served their trial exhibit list on Defendant. That  
10 list identifies Mr. Chow as a sponsoring witness for Plaintiffs' trial exhibit No. 139, which is a  
11 copy of a notice of subpoena to The Walt Disney Company in the *SHST* litigation, Case No. 3:15-  
12 cv-00797-JST, Dkt. 179-3.

13 4. Attached as **Exhibit A** is a proposed statement from Defendant to inform the jury  
14 of relevant rulings from the *SHST* litigation.

15 5. Attached as **Exhibit B** are true and correct copies of excerpts from the deposition  
16 of Gregory La Salle taken on February 14, 2023 in this matter.

17 6. Attached as **Exhibit C** is a true and correct copy of an email from Rearden's  
18 counsel, Mark Carlson, to my partner, Blanca Young, sent on September 14, 2023.

19 7. Attached as **Exhibit D** is a true and correct copy of Defendants' Rule 26(a)(2)  
20 Expert Disclosures, served April 20, 2023 in this matter.

21 8. Attached as **Exhibit E** is a true and correct copy of Plaintiff's Trial Exhibit List,  
22 served September 1, 2023 in this matter.

23 9. Attached as **Exhibit F** are true and correct copies of excerpts from the deposition  
24 of Cindy Ievers taken on June 20, 2023 in this matter.

25 10. Attached as **Exhibit G** are true and correct copies of excerpts from the deposition  
26 of Darren Hendler taken on February 16, 2023 in this matter.

27 11. Attached as **Exhibit H** are true and correct copies of excerpts from the deposition  
28 of Roger van der Laan taken on February 22, 2023 in this matter.

1           12.     Attached as **Exhibit I** are true and correct copies of excerpts from the deposition of  
2 Steve Perlman taken on March 6, 2023 in this matter.

3           13.     Attached as **Exhibit J** are true and correct copies of excerpts from the trial  
4 transcripts from *SHST v. Rearden, LLC*, N.D. Cal. Case No. C 15-0797 JST from December 6, 12,  
5 13 and 14, 2016.

6           14.     Attached as **Exhibit K** is a true and correct copy of Defendants' Third Set of  
7 Requests for Production of Documents (Nos. 108-114) served October 26, 2022 in this matter.

8           15.     Attached as **Exhibit L** is a true and correct copy of Plaintiffs' Responses and  
9 Objections to Defendants' Third Set of Request for Production of Documents (Nos. 108-114)  
10 served November 23, 2022 in this matter.

11          16.     Attached as **Exhibit M** is a true and correct copy of a letter from Ms. Young to Mr.  
12 Carlson sent on December 8, 2022.

13          17.     Attached as **Exhibit N** is a true and correct copy of a letter from Ms. Young to Mr.  
14 Carlson sent on January 25, 2023.

15          18.     Attached as **Exhibit O** are true and correct copies of excerpts from the deposition  
16 of Cindy Ievers taken on February 9, 2023 in this matter.

17          19.     Attached as **Exhibit P** is a true and correct copy of Plaintiffs' Responses and  
18 Objections to Defendants' Second Set of Requests for Admission served March 3, 2023 in this  
19 matter.

20          20.     Attached as **Exhibit Q** is a true and correct copy of an email sent from Ms. Young  
21 to Mr. Carlson on February 2, 2023.

22          21.     Attached as **Exhibit R** is a true and correct copy of a document produced in this  
23 matter beginning with number REARDEN\_MOVA001907.

24          22.     Attached as **Exhibit S** is a true and correct copy of a document produced in this  
25 matter beginning with number REARDEN\_MOVA010514.

26          23.     Attached as **Exhibit T** is a true and correct copy of a document produced in this  
27 matter beginning with number REARDEN\_MOVA018174.

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28. Attached as **Exhibit Y** is a true and correct copy of an email from Ms. Young to Mr. Carlson sent on September 14, 2023.

/s/ Kelly M. Klaus  
Kelly M. Klaus